

REMARKS

Claims 8-23 are in the application. The above amendment addresses an objection to the abstract and a rejection of claim 9 under Section 112. Although all of the claims were rejected under Section 103, Applicants respectfully request allowance in view of the following argument.

Claims 8, 10-11, 13, 15 and 20-23 stand rejected under Section 103 based on Chiles (U.S. 2001/0034759) in view of the SGI paper. Claims 9, 12, 14 and 16-19 are rejected under Section 103 based on the foregoing in further view of the Microsoft TechNet publication (TechNet). The following remarks address deficiencies in the rejection of independent claims 8 and 23. With regard to claims 8 and 23, it is first noted that these claims are amended to more clearly recite the intended subject matter for the purpose of distinguishing over the prior art. The method of claim 8 is directed to interchanging data among multiple network devices in a packet switching network, requiring two configurations:

- (a) assigning to the network node device a globally unique address so that the network node device forms a network-end terminal point of the tunnel connection when a plurality of network elements jointly use the tunnel connection; and
- (b) assigning to a network element a globally unique address so that the network element forms a network-end terminal point of the tunnel connection when the network element requires a global address for executing an application, and when the tunnel connection is exclusively used by the network element

Despite citation of numerous passages and figures in the combination, it is not seen that this combination is present among Chiles and the SGI paper. While applicants disagree with the Examiner's interpretation of the prior art, even if the Examiner's characterization were correct, there is no support for constructing the claimed combination. As best understood by the rejection, the Examiner's position is that each of the references (Chiles or TechNet) provides one of the above elements a or b. Given such it might be permissible to substitute one for the other to reconstruct the prior art. However, the invention of claim 8 requires both element a and element b in the alternative and there is no basis to suggest that one skilled in the art would form the claimed combination by reading these two references. Applicants request the Examiner's

assistance in understanding whether the Examiner finds these references to show anything more which would support a rejection under Section 103. Applicants cannot find support for the rejection.

Also with regard to the rejection of claim 8, it is not seen that the SGI reference teaches, (as stated at page 4 of the office action) "a method of ... and forming the network-end terminal point of the tunnel connection by a network element ..." Nor is there support for the condition that this occurs when "the tunnel connection is exclusively used by the network element ..." See again page 4 of the Office Action. The SGI Figure 3-2 and associated text does not at all support the contention. If applicants have misunderstood the Examiner's position, the Examiner is requested to provide a clarification. However, applicants do contend that the citation is in error and request removal of the rejection.

It appears that the rejection of claim 23 (see pages 6-7 of the Office Action) is on substantially the same basis as the rejection of claim 8. Again it would not be obvious to reconstruct the alternate configurations based on differing conditions as presented in the claims, as a mere disclosure of separate features without conditions does not render the claimed subject matter obvious. For reasons noted above with regard to claim 8, it is also noted that the SGI reference appears deficient with regard to exclusive use of the tunnel connection by one network element.

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Conclusion

Based on the cited art and the above-noted deficiencies in the rejections it appears that the independent claims contain allowable subject matter and the dependent claims further distinguish over the prior art. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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